REMARKS

The Office Action dated November 10, 2003 has been reviewed and carefully considered. Claims 1-6 remain pending, of which the independent claims are 1 and 6. No claim amendments are being made. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

The abstract stands objected to for an extraneous comment inadvertently included at the end of the abstract. The abstract has been corrected to remove this comment, and the length of the abstract has been shortened.

As suggested by the Examiner, the specification has now been amended into proper format.

Claims 1 and 4-6 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,768,268 to Kline et al. ("Kline") in view of U.S. Patent No. 6,331,976 to Sriram.

As to claim1, item 3 of the Office Action acknowledges that Kline fails to disclose or suggest the latter portion of claim 1, indicated below by the underlining:

> a wide-band **data sequence** that is composed of a starting synchronization (DOT1), a word synchronization (WS), a data word (REP1) and a fixed number of repeats of a further synchronization (DOT), a word synchronization (WS) and the data word (REP2-REP11) . . . evaluation means for recognizing that a transmission of a **data sequence** takes place when a starting synchronization (DOT1) has been recognized or alternatively one of the further synchronizations (DOT), succeeded by a correct word synchronization (WS), has been recognized, and for evaluating data words (REP1-REP11) received each time subsequent to a recognized starting synchronization (DOT1) that is succeeded by a word synchronization (WS), or received subsequent to a recognized further synchronization (DOT) that is succeeded by a correct word synchronization (WS).

Item 3 of the Office Action therefore further acknowledges, in effect, that Kline fails to disclose or suggest "evaluation means for recognizing that a transmission of a data sequence takes place when . . . alternatively one of the further synchronizations (DOT), succeeded by a correct word synchronization (WS), has been recognized and for evaluating data words (REP1-REP11) received each time . . . subsequent to a recognized further synchronization (DOT) that is succeeded by a correct word synchronization (WS).

By contrast, such evaluating responsive to recognition of a further synchronization does not occur in Kline as an alternative to recognizing a starting synchronization. In fact, prior to recognizing a starting synchronization according to standard AMPS processing (Kline, col. 1, line 41: "AMPS"), Kline performs no such evaluation nor even such recognition of a further synchronization, since recognizing a starting synchronization is conventionally a prerequisite for further processing of the received data stream (instant specification, page 1, line 29 – page 2, line 2; page 2, lines 10-13).

Item 3 of the Office Action cites Sriram FIG. 3 and various Sriram passages that describe a bitstream having a preamble, used for synchronization (col. 5, line 20: "synchronize") and similar in configuration to an AMPS starting synchronization, the preamble being followed by a "synchronization word" that serves to mark or delimit the end of the preamble (col. 5, lines 43-45). The Office Action is therefore apparently suggesting that the Sriram "synchronization word" corresponds to the "word synchronization (WS)" that immediately follows the "starting synchronization (DOT1)" in claim 1.

Notably, however, claim 1 describes the further synchronization and distinguishes it from the Sriram word synchronization. In particular, claim 1 recites a "wide-band data sequence that is composed of a starting synchronization (DOT1), a word synchronization (WS), a data word (REP1) and a fixed number of repeats of a further synchronization (DOT), a word synchronization (WS) and the data word (REP2-REP11)."

What in Sriram is deemed to correspond to the "further synchronization (DOT)" recited in claim 1? The passages cited by in item 3 of the Office Action fail to provide even the slightest clue in answering this question. It appears to the applicant that Sriram is silent on the subject of the further synchronization or any such structure, at least in the context of the network element as recited in claim 1 of the present invention. Moreover, it is unclear how Sriram suggests a modification of Kline that would meet the limitations of claim 1.

As to motivation, which is irrelevant anyway since the proposed combination, however constituted, cannot meet the limitations of claim 1 of the present invention, item 3 suggests "in order to properly demodulate a signal, as taught by Sriram." Sriram, however, and particularly the passages cited in item 3, are not seen by the applicant as relating to demodulation.

For at least all of the above reasons, neither reference, alone or in combination, anticipates or renders obvious the invention as recited in claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 6 is a method claim corresponding to apparatus claim 1 and is likewise deemed to be patentable over the applied prior art of record.

Claims 2 and 3 stand rejected under 35 U.S.C. 103(a) as unpatentable over Kline in view of Sriram and U.S. Patent No. 4,905,234 to Childress et al. ("Childress").

Claims 2 and 3 depend from claim 1. Childress deals with signaling formats but cannot compensate for the deficiencies in Kline and Sriram. Accordingly, neither claim 2 nor claim 3 is rendered obvious by Kline/Sriram/Childress.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Aaron Waxler
Registration No. 48,027

Date: 2/9/04

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Aaron Waxler, Registration No. 48,027
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9608
Fax: (914) 332-0615

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP NON-FEE AMENDEMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA. 22313 on 2/9/04.

Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)

(Signature and Date)